

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
October 15, 2002

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, October 15, 2002, in the Board Room, York Hall, by Chairman Donald E. Wiggins.

Attendance. The following members of the Board of Supervisors were present: Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Walter C. Zaremba was absent.

Invocation. Reverend Gene Cornett from Seaford Baptist Church gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Deputy Frank Green, York County Sheriff's Department, led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. John Mazur, Assistant Resident Engineer, appeared to discuss highway matters of interest to the Board. He reported that a new overpass would be installed on Route 17 to replace the overpass that was damaged as a result of an accident. He stated the Dare Road project was back on track and, weather permitting, should be completed in 30 to 45 days. He stated VDOT was working with the County to correct the manhole covers on Seaford Road.

Chairman Wiggins pointed out that Seaford Road was a hazardous, narrow road in poor condition.

Mr. Mazur explained that if the repairs to Seaford Road were utility-related, VDOT would ask the County for help in repairing the road. He mentioned that VDOT had inspected the ditches and cul-de-sac on Mansion Road, and there were no substantial drainage problems at the time of inspection. VDOT will continue to monitor the area. He advised the Board that the striping of York Crossing was on VDOT's list of things to be done.

Mr. Burgett spoke on behalf of Mr. Zaremba concerning Colonial Avenue and Nelson Drive in the Bruton Glen subdivision. He explained that due to the growth in that area, the intersection was now in need of a stop sign, and he asked Mr. Mazur to look into that. He thanked Mr. Mazur for getting the road patched in front of Winders Pond, and he suggested that the patched area be smoothed down before the road is completely finished.

Mr. Shepperd reminded Mr. Mazur of a request concerning Wilson's Farm and the culvert on VDOT's right-of-way that should be cleaned out. He asked Mr. Mazur to again check Mansion Road and the underground culvert that is being compressed by school buses turning around at

the end of the road. He inquired when the paving in Old Port Cove would be completed, and stated the road was separating and in need of patching. He stated the lights on Route 17 were out of sync and contributed to the horrendous traffic back-up from Harwood's Mill to Lakeside Drive. He stated he was concerned that emergency vehicles would not be able to get through the traffic congestion.

Chairman Wiggins discussed the York Point drainage situation and thanked VDOT for its help in eliminating the drainage problem.

PRESENTATIONS

CLEAN BUSINESS AWARDS

Ms. Laurie Halperin, Beautification/Recycling Coordinator, Richard Wallsom, Chairman of the York County Beautification Committee, and Chairman Wiggins, presented the Clean Business Awards for the 3rd Quarter of 2002 to representatives of the following businesses:

Advance Auto Parts
The Flower Pot
J & R Graphics

ZWEIBRÜCKEN STUDENT EXCHANGE PROGRAM

Ms. Sandy Hespe, representative of the York County School Division, thanked the Board for its continued support of the student exchange program.

Mr. Will Spear, chaperone for the Zweibrücken trip, elaborated on some of the students' experiences and expressed his appreciation to the Board for its support of the program. He presented the Board with a portrait of the Zweibrücken cityscape, a gift from Dr. Lambert and the City of Zweibrücken. He then introduced James Noel, Jr. and Julia DiVito, exchange students, who shared their experiences on their stay in Zweibrücken.

CITIZENS COMMENT PERIOD

Mr. Donald Davis, Chairman of the Board of Zoning/Subdivision Appeals, asked the Board to approve a change in the fees for a variance application, and he said that the Board of Zoning Appeals recommends an increase to \$250.00. He cited examples of the time spent on an application and compared the costs to those of surrounding jurisdictions. He stated he felt it would be appropriate to change the ordinance to increase the fees.

Chairman Wiggins asked Mr. Davis to return at a later date and give a presentation on the activities of the Board of Zoning Appeals.

Mr. Mike Pierson, representative from Boy Scouts Troop 94, appeared before the Board to fulfill a requirement to obtain a merit badge.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported that the County Attorney's office was now operating with both attorneys upon the return of the Assistant County Attorney, Carla Hook, who was back from maternity leave.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds announced that Saturday, October 19, would be Yorktown Day, and he elaborated on some of the festivities and events that were to take place. He reported on the Level II water restrictions implemented by Newport News Waterworks which would go into effect October 18, and he announced that the Homeowners Associations' meeting was scheduled for October 16 at 7:00 p.m. He reminded the Board of its legislative breakfast tentatively scheduled for October 21, but pointed out that the date was not yet confirmed. He announced the Board's next regularly scheduled meeting would be held November 19.

The Board then had several questions concerning the water restrictions which were answered by Mr. McReynolds and Mr. John Hudgins, Director of Environmental and Development Service.

Meeting Recessed: At 7:55 p.m. Chairman Wiggins declared a short recess.

Meeting Reconvened: At 8:07 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

NO THROUGH TRUCK TRAFFIC – RICHNECK ROAD

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on proposed Resolution R02-182 to request the Virginia Department of Transportation and the Commonwealth Transportation Board to prohibit through truck traffic on a portion of Richneck Road between Fort Eustis Boulevard and the Newport News City limits. He explained that this request came from the City of Newport News, and staff recommended adoption of proposed Resolution R02-182.

Chairman Wiggins called to order a public hearing on proposed Resolution R02-182 which was duly advertised as required by law and is entitled:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF
TRANSPORTATION AND COMMONWEALTH TRANSPORTATION
BOARD TO ESTABLISH A PROHIBITION OF THROUGH TRUCK
TRAFFIC FOR THE SEGMENT OF RICHNECK ROAD (ROUTE 636)
BETWEEN FORT EUSTIS BOULEVARD (ROUTE 105) AND THE
NEWPORT NEWS CITY LIMITS

There being no one present who wished to speak concerning the subject resolution, Chairman Wiggins closed the public hearing.

Mr. Burgett then moved the adoption of proposed Resolution R02-182 that reads:

A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF
TRANSPORTATION AND COMMONWEALTH TRANSPORTATION
BOARD TO ESTABLISH A PROHIBITION OF THROUGH TRUCK
TRAFFIC FOR THE SEGMENT OF RICHNECK ROAD (ROUTE 636)
BETWEEN FORT EUSTIS BOULEVARD (ROUTE 105) AND THE
NEWPORT NEWS CITY LIMITS

WHEREAS, the City of Newport News has requested that consideration be given to the establishment of a "No Through Trucks" restriction on the segment of Richneck Road (Route 636) situated in York County and located between Fort Eustis Boulevard (Route 105) and the Newport News city limits; and

WHEREAS, the City of Newport News has recently established such a designation on the portion of Richneck Road located within the city; and

WHEREAS, in accordance with the "Guidelines for Considering Requests for Restricting Through Trucks on Secondary Highways" established by the Commonwealth Transportation Board, the Board of Supervisors must formally request the establishment of such restrictions subsequent to conducting a duly advertised public hearing; and

WHEREAS, the Board of Supervisors has reviewed this proposal in light of the criteria established by the Virginia Department of Transportation pertaining to the eligibility of streets for such restrictions and is of the opinion that a sufficient number of the required criteria can be met; and

WHEREAS, Fort Eustis Boulevard and Jefferson Avenue are designed to accommodate commercial/industrial truck traffic and serve as a practical alternative route for truck traffic that might otherwise use Richneck Road; and

WHEREAS, in accordance with the required VDOT procedures, the Board has conducted a duly advertised public hearing concerning this proposal.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of October, 2002, that the Virginia Department of Transportation and Commonwealth Transportation Board be, and they are hereby, requested to consider the establishment of a "No Through Trucks" prohibition on the segment of Richneck Road (Route 636) between Fort Eustis Boulevard (Route 105) and the Newport News city limits;

BE IT FURTHER RESOLVED that Fort Eustis Boulevard and Jefferson Avenue should be considered and designated as the alternate route for through truck traffic;

BE IT STILL FURTHER RESOLVED that the Board of Supervisors commits that it will request the York County Sheriff's Department to monitor and enforce compliance with said restrictions should they be approved and established by the Commonwealth Transportation Board.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins
Nay: (0)

IMPOSITION OF ASSESSMENT AS PART OF COSTS IN CRIMINAL OR TRAFFIC CONVICTIONS

Mr. McReynolds made a presentation on proposed Ordinance 02-20 to impose an assessment as part of costs in criminal or traffic convictions, and he detailed some for the uses of the fee.

Mr. Shepperd asked if this fee would be used toward the hiring of personnel.

Mr. McReynolds stated it was to be used for personnel, but not additional personnel.

Mr. Shepperd asked if this should included in the County's legislative package.

Mrs. Noll stated she felt this was poor public policy. She explained that it was enabling legislation to allow a fee to be raised towards the cost of personnel, but it also had a sunset clause; and, if it was not reenacted, the County would still be responsible to pay the personnel costs without having the ability to raise funds for the costs. She stated she would not support this action.

Chairman Wiggins called to order a public hearing on proposed Ordinance 02-20 that was duly advertised as required by law and is entitled:

AN ORDINANCE TO IMPOSE AN ASSESSMENT AS PART OF
COSTS IN CRIMINAL OR TRAFFIC CONVICTIONS

There being no one present who wished to speak concerning the subject ordinance, Chairman Wiggins closed the public hearing.

Mr. Burgett stated he shared Mrs. Noll's concerns that if fees were taken away, the County would be expected to pick up the slack.

Mr. McReynolds affirmed that funding would not be a continuous source, and but he explained that it wouldn't reduce the costs because the County was still providing the same level of court security with or without the fee.

Chairman Wiggins pointed out that there are several such programs where the County initially accepts the free money, but it's only for a year or two. He stated the County is then left to figure out how to make up the difference. He stated since the County was already providing the service, and as long as no one else was hired, he would be in favor of it.

Discussion ensued over the personnel funding.

Mr. McReynolds explained that the Board could designate an amount equivalent to what is received from this revenue for future equipment purchases, and that amount could be set aside from local funds.

Mrs. Noll stated she was concerned that the funds were to be designated for personnel, and the Board would appropriate them for another use.

Mr. McReynolds explained that state dollars would be used to support the personnel, and local dollars would be used for equipment purchases. The money that comes in for fines would be used for personnel, and the local money that would otherwise be spent would be set aside for equipment purchases.

Mrs. Noll then moved the adoption of proposed Ordinance 02-20 that reads:

AN ORDINANCE TO IMPOSE AN ASSESSMENT AS PART OF
COSTS IN CRIMINAL OR TRAFFIC CONVICTIONS

WHEREAS, Section 53.1-120 of the Code of Virginia (1950), as amended provides that the Sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose; and

WHEREAS, legislation has been adopted by the General Assembly which permits the governing body to assess a sum not in excess of five dollars as part of the cost in each criminal or traffic case in the district or circuit court in which the defendant is convicted of a violation of any statute or ordinance for the funding of courthouse security personnel;

NOW, THEREFORE, BE IT ORDAINED, by the York County Board of Supervisors, that the County Code of York County is hereby amended to add a new section 1-14.1, as follows:

Sec. 1-14.1. Same - Assessments for civil and criminal convictions for the Funding of Courthouse Security Personnel.

Pursuant to Code of Virginia section 53.1-120, the sum of five dollars (\$5.00) is hereby assessed as part of the costs in each criminal and traffic conviction in the General District Court or Circuit Court of York County in which the defendant is convicted of any statute or ordinance, for the purpose of funding courthouse security personnel. The assessment shall be collected by the Clerk of Court in which the case is heard and remitted to the Treasurer of the County of York, Virginia, to be held by the Treasurer subject to appropriation by the board of supervisors to the Sheriff's office. This provision shall expire on July 1, 2004, unless the Virginia General Assembly shall duly amend Code of Virginia Section 53.1-120(D) to extend or eliminate the expiration date set out therein, in which event this County Code section 1-14.1 shall continue in effect for so long as authorized by the statute, as amended.

On roll call the vote was:

Yea: (4) Burgett, Shepperd, Noll, Wiggins,

Nay: (0)

APPLICATION NO. UP-604-22, RANDY FIRTH/TOTAL HOME IMPROVEMENT

Mr. Carter made a presentation on Application No. UP-604-22 to approve a special use permit to authorize a contractor's shop with outside storage at 4033 George Washington Memorial Highway. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-173. He noted this application was after the fact and was not the ideal way to receive an application. He encouraged all applicants to seek the needed permission first before they start the activity that requires a use permit.

Mr. Burgett asked how long this business had existed on Route 17.

Mr. Carter stated the contractor's business had been there approximately four years.

Mr. Burgett asked if the Zoning Department is contacted when a contractor applies for a business license.

Mr. Carter explained that any application for a business license is routed through the Zoning Department, and in this particular type of situation the business license would have a notation indicating that this is for office use only.

Mr. Burgett surmised that the operator of this business knew what the rules and regulations were, and that every effort is made by the County to provide incoming businesses with that information.

Mrs. Noll asked when the business was cited for the violation, and what had been done to rectify the situation.

Mr. Carter stated he was not sure when the citation was issued, but stated the County's practice was to stay the enforcement proceedings once an application for a use permit was submitted.

Mr. Shepperd asked what the penalty was for the violation.

Mr. Carter stated the penalty could eventually be a criminal matter in the Circuit Court.

Discussion ensued on the violation issue.

Chairman Wiggins called to order a public hearing on Application No. UP-604-22 that was duly advertised as required by law. Proposed Resolution R02-173 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A CONTRACTOR'S SHOP WITH OUTSIDE STORAGE
AT 4033 GEORGE WASHINGTON MEMORIAL HIGHWAY

Mr. Randy Firth, the applicant, stated when he obtained his business license, he had applied as a remodeling contractor. He stated he assumed he could have contractor storage on the facility. He explained he had made many improvements to his building, and he was anxious to resolve the situation with the County. He indicated he did not see any problems with the recommendations of the Planning Commission, with the exception of the fence required between his business and the vacant lot to the south. He agreed to moved the displays in the front of the building to the side lot.

Mr. Burgett asked Mr. Firth if he had received any information regarding outdoor storage facilities when he received his business license.

Mr. Firth stated it was not immediately brought to his attention, and he explained his reasons for having the storage facility on the property.

Mr. McReynolds explained that the Zoning Department looks at the use as described when a permit is requested. If it is described as a contractor's yard when it is applied for, the answer would have been that it does not qualify. If a contractor's yard is what was requested, the applicant would have been told it was not permitted and would have been denied.

Mr. Shepperd stated he felt it was a business' responsibility to understand what the zoning laws and ordinances are when a business is established in the community.

Mr. Firth stated he applied for a business contractor's license, and he felt that a contractor should be able to have a storage area.

There being no one else present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Shepperd noted that this application was the second in a row where a business has come before the Board after the fact. He explained he would go along with it this time, but advised future businesses that he would not support after-the-fact applications.

Mr. Burgett stated it could have been a miscommunication, but felt what the County was proposing as far as the fencing and landscaping would certainly beautify the area. He agreed that the tractor-trailer was not conducive to the area and must be removed.

Mrs. Noll stated she would not be as generous as her fellow Board members, and she recalled voting against Ned's Marine for the simple reason that the applicant didn't clean up the property before appearing before the Board to request an after-the-fact use permit. She stated this was an after-the-fact application, and the applicant was only applying because there was a violation.

Chairman Wiggins told Mr. Firth he felt he had done an excellent job in remodeling his business. He also stated he was willing to give Mr. Firth the benefit of doubt that he did not know the guidelines and he wasn't informed. He stated he would support the application.

Mr. Shepperd then moved the adoption of proposed Resolution R02-173 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A CONTRACTOR'S SHOP WITH OUTSIDE STORAGE
AT 4033 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, Randy Firth/Total Home Improvements has submitted Application No. UP-604-02, which requests a special use permit pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance to authorize a contractor's shop with outside storage located at 4033 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 30-14-3; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of October, 2002, that Application No. UP-604-02 be, and it is hereby, approved to authorize a contractor's shop with outside storage subject to the following conditions:

1. This use permit shall authorize a contractor's shop with outside storage located at 4033 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 30-14-3.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to establishment of the storage yard on the subject property.
3. The outside storage area shall be located within the rear yard of the parcel, and shall be screened on the north, east and south sides with six-foot high, solid board-on-board fencing as approved by the Zoning Administrator and located not closer than ten (10) to the side property lines. Pursuant to Section 24.1-486, evergreen planting material shall be installed on the outside perimeter for screening to augment the proposed fencing. Supplemental landscaping material of a type, planting size and amount satisfactory to the Zoning Administrator shall be installed surrounding the parking area.
4. Contractor's materials kept within the storage area shall not exceed the height of the surrounding fencing.
5. In accordance with the Building Officials Code of America; National Fire Prevention Code, contractor's materials stored outside shall not be stored closer than 15 feet from any lot line and any other building on the property.
6. Materials stored outside on the property shall be limited to those associated with a home improvement contractor's business, and shall not include junk, solid waste, construction debris or hazardous waste as defined in Chapter 19, Section 19.1 and/or Chapter 24, Section 24.1-104 of the County Code. Parking or storage of trailers shall be limited to small utility or cargo trailers capable of being towed by a pick-up truck. Parking or storage of tractor-trailer type trailers on the site shall be prohibited.
7. Outside display of merchandise shall be limited to one screen porch model and one sunroom model as shown on the applicant's sketch plan received by the Planning Division 7/9/02. The display merchandise shall be located in the side yard of the property (behind the front face of the principal shop building), and shall not be located within the front yard or any portion of the parking area.
8. In accordance with the provisions of Section 24.1-115(d) of the Zoning Ordinance, significant modifications to this approval as determined by the Zoning Administrator shall require that a new use permit application be submitted for review. Modifications can be administratively approved if the Zoning Administrator determines the modification to be minor.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea:	(3)	Shepperd, Burgett, Wiggins,
Nay:	(1)	Noll

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APPLICATION NO. UP-605-02, JIMMIE L. GOODE

Mr. Carter made a presentation on proposed Application No. UP-605-02 to approve a special use permit to authorize a detached accessory apartment at 711 Dare Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R02-174.

Mrs. Noll asked the purpose of the building being constructed, if it was ever used as a garage, and if it fit in with the zoning regulations at the time.

Mr. Carter explained the ordinance allows the construction of storage structures and that the building records from years ago were no longer available.

Chairman Wiggins called to order a public hearing on Application No. UP-605-02 that was duly advertised as required by law. Proposed Resolution R02-174 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 711 DARE
ROAD

Mr. Jimmy Goode, the applicant, stated he had applied for a permit to convert the structure into an apartment and explained that the inspector noticed the discrepancy when he went over the recommended amount of building that was going on inside.

Mr. Burgett asked if the stair area was heated and cooled.

Mr. Goode answered that it would be heated.

Mr. Burgett noted if the stairs were a heated area, it would increase the square footage of the apartment.

Mr. Goode explained why the stair area would be heated.

There being no one present who wished to speak concerning the subject application, Chairman Wiggins closed the public hearing.

Mr. Burgett asked why the stairway was not included as a heated area, and he stated he felt this was two houses on one lot.

Chairman Wiggins stated it looked like a house to him.

Mr. Shepperd stated the Board has a resolution before it that states 700 square feet, but it is actually 1,700 square feet.

Mr. Carter indicated if this were approved as stated in the resolution, and the zoning enforcement staff found evidence that more than the 700 square feet was being used as living space, then the applicant would be cited for a violation of the use permit condition.

Mr. Shepperd suggested the applicant would then come back and apply for a 1,700 square foot apartment. He stated the plans being submitted now are in question, and that the County's enforcement capability for accessory apartments is sorely lacking.

Mr. Carter suggested a better way may have been to apply for 864 square feet, which is the first floor area and includes the stairway.

Mrs. Noll then moved the adoption of proposed Resolution R02-174 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 711 DARE
ROAD

WHEREAS, Jimmie L. Goode has submitted Application No. UP-605-02 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 711 Dare Road and further identified as Assessor's Parcel No. 25F-1-3; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of October, 2002, that Application No. UP-605-02 be, and it is hereby, approved to authorize a detached accessory apartment in conjunction with a single-family detached dwelling subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 711 Dare Road and further identified as Assessor's Parcel No. 25F-1-3.
2. Except as specifically modified herein, building plans for the accessory apartment shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities related to the accessory apartment use on the site. A Certificate of Occupancy for the apartment must be issued prior to establishing residence in the building.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 700 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.

6. The accessory apartment unit shall be located on the ground floor of the building in which located. The second floor of the building shall remain an open area (without separate rooms or interior dividing walls) and shall be used for storage purposes only.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling. The accessory apartment shall not be served by a separate electrical service meter.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins
Nay: (0)

MATTERS PRESENTED BY THE BOARD

Mr. Shepperd elaborated on some of the topics to be discussed at his upcoming District 5 Town Meeting to be held at Tabb Elementary School on October 30 from 7:00 p.m. to 9:00 p.m. He discussed the Transportation Referendum and the Board members taking a position on the referendum. He explained that he was put at odds with several people whose opinions he thought highly of and felt there were some projects in the referendum that he would like to see accomplished. He then explained his reasons for his non-support of the referendum.

Mr. Burgett voiced his continued concerns with the sales tax. Based upon his research, he stated the Hampton Roads Planning District Commission was not the agency to be responsible for this money and questioned why the tax could not be raised statewide. He visited the Gallery in York Hall and stated that 5,663 visitors had been to the Gallery since April. He discussed some of the issues with Wal-Mart including the landscaping barrier to separate the facility from the residential areas. Wal-Mart has responded positively and will replace the dead landscaping in addition to adding an irrigation system.

Mrs. Noll read an article from the Richmond-Times Dispatch regarding the transportation referendum and the financial condition of VDOT. The article reported that Virginia was the only state not seeking year-end transportation-matching funds from the federal government. She stated there was a transportation problem, and the transportation referendum was an issue about the future. She elaborated on the proposed six projects and encouraged citizens to prepare for future transportation issues. She reminded citizens of their responsibility to get out and vote and discussed items that would appear on the ballot.

Chairman Wiggins stated he had previously shared the opinion of Mr. Shepperd and Mr. Burgett at one time, but stated he is now in favor of the transportation referendum. He stated he

feels strongly that community leaders should speak out and take a stand on the issue, and he pointed out that planning for the future needed to take place. He cited examples of some projects in the area and compared what life would be like without them. He spoke of the financial status of VDOT, stating that business has suffered in the area because of traffic congestion. He recounted his visit to the cruise ship "The World" which docked in Yorktown on October 6. He noted the captain of the ship presented Yorktown with a plaque in commemoration of the of the maiden trip of "The World." Mr. Wiggins then described some of the amenities of ship and costs associated with owning condominiums on the ship.

UNFINISHED BUSINESS

Mrs. Anne Smith, Director of Community Services, made a presentation on proposed Resolution R02-55(R) to approve a contract for professional and technical services with Vanasse Hangen Brustlin, Inc., for park planning services.

Mr. Shepperd questioned who would provide quality control over this contract.

Mrs. Smith stated the Community Services Department, specifically the Parks and Recreation staff, would have contract administrative responsibilities but would rely on expertise from other departments such as Department of Environmental and Development Services.

Mrs. Noll then moved the adoption of proposed Resolution R02-55(R) which reads:

A RESOLUTION TO APPROVE A THREE YEAR CALL CONTRACT
FOR PROFESSIONAL SERVICES WITH VANASSE HANGEN BRUSTLIN, INC.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that procurement of professional services for engineering, landscape architectural services, and environmental consulting for various purposes including, but not limited, to master planning for New Quarter Park are necessary; and

WHEREAS, a Request for Proposals was issued, all appropriate and proper procurement measures were taken and all applicable laws, ordinances, and regulations have been complied with; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of October, 2002, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for a three year call contract with Vanasse Hangen Brustlin, Inc., for various professional services including, but not limited to, engineering, landscape architectural services, and environmental consulting.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to procure professional services with Vanasse Hangen Brustlin, Inc., whether through the issuance of a notice to proceed or otherwise for various County projects, without

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further action by this Board, provided that the total cost of said professional services shall not exceed available funding.

On roll call the vote was:

Yea: (4) Burgett, Shepperd, Noll, Wiggins
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted Item Nos. 6, 7, 8, and 9, respectively.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Burgett, Wiggins
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 6. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

September 17, 2002, Regular Meeting.
September 24, 2002, Adjourned Meeting.

Item No. 7. PURCHASE AUTHORIZATION: Resolution R02-178.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CUSTODIAL SERVICES CONTRACT, MOVE UNDERGROUND UTILITIES IN YORKTOWN, AND CONSTRUCT THE LIGHTFOOT WATER MAIN AND FORCE MAIN EXTENSION.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of October, 2002, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following :

	<u>AMOUNT</u>
Custodial Services Contract (3 years)	\$599,820
Underground Utilities in Yorktown	146,627
Lightfoot Water Main and Force Main Extension	1,099,849

Item No. 8. STREET ACCEPTANCES – WILLIAMSBURG BLUFFS AND MCDONALD BLUFFS:
Resolution R02-179 and Resolution R02-180.

Resolution R02-179:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN WILLIAMSBURG BLUFFS, SECTION I, PHASE 3, AND WILLIAMSBURG BLUFFS, SECTION II, PHASE 2, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on plats recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of October, 2002, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Williamsburg Bluffs and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted October 15, 2002

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Williamsburg Bluffs, Section I, Phase 3, and Williamsburg, Bluffs, Section II, Phase 2

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street
Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Bluffs Circle, State Route Number 1152

Description: **From:** Parchment Boulevard (Rte. 1142)
 To: End of cul-de-sac
 A distance of: 0.09 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/16/2000, Plat Book 13, Pages 204- 206, with a width of 50'

Bronze Court, State Route Number 1150

Description: **From:** Parchment Boulevard (Rte. 1142)
 To: End of cul-de-sac
 A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 01/31/1992, Plat Book 11, Pages 397-398, and on 03/06/2001, Plat Book 13, Pages 256-257, with a width of 50'

Parchment Boulevard, State Route Number 1142

Description: **From:** Haymaker Place (Rte. 1148)
 To: Intersection of Bluffs Circle (Rte. 1152)
 A distance of: 0.08 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 02/01/1996, Plat Book 12, Pages 333-335, and on 11/16/2000, Plat Book 13, Pages 204-206, with a width of 57'

Description: **From:** Intersection of Bluffs Circle (Rte. 1152)
 To: End of cul-de-sac
 A distance of: 0.03 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/16/2000, Plat Book 13, Pages 204-206, with a width of 57'

Pewter Court, State Route Number 1151

Description: **From:** Parchment Boulevard (Rte. 1142)
 To: End of cul-de-sac
 A distance of: 0.05 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/16/2000, Plat Book 13, Page 204-206, with a width of 50'

Resolution R02-180:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE STREETS IN MCDONALD BLUFFS INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of October, 2002, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of McDonald Bluffs and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted October 15, 2002

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

McDonald Bluffs

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

McDonald Circle, State Route Number 1459

Description: **From:** Intersection of Route 1545 (Villa Way)

To: End of Cul-de-sac

A distance of: 0.14 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 07/21/1999, Plat Book 13, Pages 17-20, with a width of 50 ft.

Villa Way, State Route Number 1545

Description: **From:** Intersection of Route 1569 (Buffie Road)
 To: Intersection of Route 1459 (McDonald Circle)
 A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
07/21/1999, Plat Book 13, Pages 17-20, with a width of 50 ft.

Description: **From:** Intersection of Route 1459 (McDonald Circle)
 To: End of cul-de-sac
 A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
07/21/1999, Plat Book 13, Pages 17-20, with a width of 50 ft.

Item No. 9: GRANT CONTRACT EXTENSION FOR THE VIRGINIA INDIVIDUAL DEVELOPMENT ACCOUNT (VIDA) PROGRAM: Resolution R02-171.

A RESOLUTION TO ACCEPT AN EXTENSION TO THE CURRENT
VIRGINIA INDIVIDUAL DEVELOPMENT ACCOUNT (VIDA) CON-
TRACT

WHEREAS, the York County Division of Housing and Neighborhood Revitalization was selected as one of five pilot sites for the VIDA program; and in August 2000, the County entered into a two-year contract with the Virginia Department of Housing and Community Development (DHCD) for the implementation of the VIDA grant award; and

WHEREAS, the Department of Housing and Community Development has extended the grant contract through April 30, 2003 and directed a new draw down policy for matching funds whereby funds will be requested quarterly on behalf of participants and maintained by the County in an escrow account; and

WHEREAS, the DHCD has requested a resolution from the York County Board of Supervisors supporting this contract extension and acknowledging the revised draw down policy; and

WHEREAS, the VIDA program has enhanced the Division of Housing and Neighborhood Revitalization's on-going Self-Sufficiency initiatives; and

WHEREAS, across the state, five individuals have graduated under the pilot program, two of whom have graduated from the York County program and eighteen other individuals are currently participating in the York County VIDA program; and

WHEREAS, the extension will allow participants the full two years to accrue savings toward their self-sufficiency goals;

NOW, THEREFORE BE IT RESOLVED by the York County Board of Supervisors this 15th day of October, 2002, that the Board does hereby accept the extension of the existing VIDA contract and the requirements therein, and authorizes the County Administrator or his designee to sign and execute any and all documentation necessary to implement the contract extension.

NEW BUSINESS

APPROVAL OF PLAN FOR 2007 ANNIVERSARY CELEBRATION

Mrs. Smith made a presentation on proposed Resolution R02-181 to approve a proposed plan for County activities in support of the Jamestown 400th Anniversary Celebration in 2007. She noted the theme for the celebration is "Come Home to Virginia." She explained that staff's recommendation was that a wide variety of community groups that are active in functions and activities currently going on in the County and in Yorktown would be involved. She noted they would draw heavily from the Board of Supervisors for policy and direction and will have much interaction with the National Park Service and the Jamestown-Yorktown Foundation.

Mr. Burgett asked if the Trustees would be on the 2007 committee.

Mrs. Smith explained there was no slot specifically for the Trustees; however, there is much involvement by various Yorktown groups. She stated a slot for the Trustees could be added.

Mr. Burgett suggested that at least one representative from the Trustees be involved.

Mrs. Noll pointed out that the Battle of Books program was not originated with the County's library services, but originated in the Williamsburg Regional Library. She stated she thought it would be a good idea to contact them and ask them to add it to the "Come Home to Virginia" theme.

Mrs. Noll then moved the adoption of proposed Resolution R02-181 which reads:

A RESOLUTION TO APPROVE A PROPOSED PLAN FOR COUNTY
ACTIVITIES IN SUPPORT OF THE JAMESTOWN 400TH ANNIVER-
SARY CELEBRATION IN 2007

WHEREAS, in 2007, Virginia, the nation and the world will commemorate the 400th anniversary of the founding of Jamestown as the first permanent English settlement in North America; and

WHEREAS, 2007 will be a time to remember the founding of Virginia and to highlight our unrivaled heritage, proud achievements and exciting future; and

WHEREAS, the York County Board of Supervisors recognizes the importance of commemorating the founding of Jamestown and to celebrate the unique culture, heritage and history of York County as it relates to our nation's birth in Jamestown; and

WHEREAS, the York County Board of Supervisors desires to participate in the Virginia 2007 Community Program because Yorktown is part of the Historic Triangle and to support the efforts of the Jamestown-Yorktown Foundation in this regard;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of October, 2002, that the County Administrator be, and hereby is, directed to take the steps necessary to meet the criteria for submitting an application on behalf of York County in order to be considered as an official Virginia 2007 Community.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins,
Nay: (0)

HAMPTON ROADS TRANSPORTATION REFERENDUM

Mrs. Noll moved to table proposed Resolution R02-183 to support the Hampton Roads Transportation referendum on the November 5 ballot.

On roll call the vote was:

Yea: (4) Burgett, Shepperd, Noll, Wiggins,
Nay: (0)

LEGISLATIVE PROGRAM

Mr. Barnett made a presentation on proposed Resolution R02-185 to approve the County's 2003 Legislative Program. He then reviewed in detail the legislation and policies contained in the program.

Mrs. Noll then moved the adoption of proposed Resolution R02-185 which reads:

A RESOLUTION APPROVING THE COUNTY'S 2003 LEGISLATIVE
PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2003 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of October, 2002, that this Board hereby approves the County's 2003 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Burgett, Wiggins,
Nay: (0)

CLOSED MEETING. At 10:10 p.m. Mrs. Noll moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(3) of the Code of Virginia pertaining to real property used for a public purpose, specifically pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

Yea: (4) Noll, Burgett, Shepperd, Wiggins
Nay: (0)

Meeting Reconvened. At 11:08 the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of October, 2002, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Burgett, Shepperd, Noll, Wiggins
Nay: (0)

Meeting Adjourned. At 11:10 p.m. Mr. Burgett moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (4) Shepperd, Noll, Burgett, Wiggins
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

Donald E. Wiggins, Chairman
York County Board of Supervisors

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October 15, 2002